

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40652	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/000084	International filing date (day/month/year) 08-01-2004	Priority date (day/month/year) 10-01-2003
International Patent Classification (IPC) or national classification and IPC B28D 5/00, C03B 33/09		
Applicant MITSUBOSHI DIAMOND INDUSTRIAL CO., LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersedes earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000084

Box No. I

Basis of the report

1. With regard to the
- language**
- , this report is based on:

- ☐ the international application in the language in which it was filed
- ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))

2. With regard to the
- elements**
- of the international application, this report is based on (
- replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*
-):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-17 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages claim nos. 15, 16 as originally filed/furnished
- pages* 1, 5, 9, 12 as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages drawing nos. 1-11 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

- 3.
- ☒
- The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 2-4, 6-8, 10, 11, 13, 14
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

- 4.
- ☐
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000084

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1, 5, 9, 12, 15, 16	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1, 5, 9, 12, 15, 16	NO
Industrial applicability (IA)	Claims	1, 5, 9, 12, 15, 16	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2001-130921 A (Mitsuboshi Diamond Industrial Co., Ltd.), 15 May 2001, paragraph [0003]

Document 2: JP 2000-281375 A (NEC Corp.), 10 October 2000, paragraphs [0040]

The inventions set forth in claims 1, 5, 9, 12, 15 and 16 do not involve an inventive step in the light of document 1 cited in the international search report and document 2 cited in the international search report. Document 1 indicates that a blind crack is formed in a substrate comprising a brittle material. Document 2 discloses the feature wherein a beam is shone into a crack that has occurred in a glass substrate and the shape and form of the crack is confirmed based on the intensity of the light detected by a light detector. It would be easy for a person skilled in the art to conceive of using the means disclosed in document 2 to confirm the shape and form of the blind crack disclosed in document 1. When applying the means disclosed in document 2, a person skilled in the art would be able to establish what specific kind of optical system to use as a matter of design.